DT02 Rec'd PCT 30 JUN 2004

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Johnson & Johnson

OFFICE OF
SENIOR PATENT COUNSEL

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June 28, 2004

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: PCT Legal Administration

Re: Renewed Petition Under 37 C.F.R. 1.137(b)
Our Docket No.: JAB-1458
Application No.: 09/869,079
Title: Human AKT-3
Applicants: Masure et al.

Dear Sir or Madam,

In response to the Decision of Petition mailed April 27, 2004 (copy enclosed), enclosed please find the following:

1. Request for Reconsideration of Decision on Petition Under 37 C.F.R. 1.137(b) and supporting documentation;
2. Supplemental Preliminary Amendment;
3. Substitute Sequence Listing together with Statement to Support Filing and Submission in accordance with 37 C.F.R. §§ 1.821-1.825.

Respectfully submitted,

Laura A. Donnelly

Laura A. Donnelly

LAD/kk
Encls.

Docket No. JAB-1458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	MASURE et al.
Serial No.	:	09/869,079
Filed	:	I.A. 12/17/99
Title	:	HUMAN AKT-3
Art Unit	:	Unassigned
Examiner	:	Unassigned

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 28, 2004
(Date of Deposit)

Laura A. Donnelly
(Name of applicant, assignee, or Registered Representative)

Laura A. Donnelly
(Signature)

June 28, 2004
(Date of Signature)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: PCT Legal Administration

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION UNDER 37 C.F.R. 1.137(b)

Dear Sir:

Applicants hereby request reconsideration of the Decision on Petition Under 37 C.F.R. § 1.137(b) mailed April 27, 2004 ("Decision"). The following summarizes the series of events as set forth in the Decision and as supplemented by Applicants' representative herein (in bold):

1. 12/05/01 Notification of Missing Requirements mailed, required correction of Sequence Listing, paper copy and amendment in writing directing entry into specification.
2. 04/15/02 Response filed with a three-month extension of time, included Sequence Listing, paper copy and amendment in writing directing entry into specification.
3. 06/11/02 Notice of Acceptance of Application mailed.
4. 12/05/02 Communication that Notice of Acceptance was in error and therefore withdrawn and Notification of Defective Response ("Notification") mailed, required correction of Sequence Listing, paper copy and amendment in writing directing entry into specification. Non-extendable one-month period for reply set.
5. 01/05/03 due date for reply.
6. 10/13/03 Petition for Revival; Response to Notification of Defective Response; Preliminary Amendment; Sequence Listing, paper copy and Verification Statement received by U.S. Patent Office.
7. 12/04/03 Notice of Abandonment mailed. Stated that applicant failed to respond to 12/05/02 Notification of Defective Response.
8. **01/05/04 Applicants' representative contacted Winston M. Alvarado by telephone to check status of petition. Mr. Alvarado indicated that the Petition must not have matched with the file and asked that Applicants' representative fax a copy.**

9. 01/05/04 applicant faxed copy of 10/03/03 filing at Winston M. Alvarado's request. Communication indicated that copy of 10/3/03 date-stamped post card enclosed.

The Decision states that the January 5, 2004 facsimile is the first date of filing of the October 3, 2003 submission. Applicants resubmit a complete copy of the October 3, 2003 filing herein, which demonstrates that the filing was actually received by the Patent Office on October 3, 2003.

The Decision states that although Applicants met the first and fourth requirements of 37 C.F.R. § 1.137(b), applicants did not provide a proper reply to the December 5, 2002 Notification. In particular, the Decision states (1) that the reply does not include a computer-readable copy of the latest substitute Sequence Listing; and (2) that the reply does not address all of the problems identified in the December 5, 2002 Notification. The Decision then states that the Comment Sheet attached to the Notification indicated (a) that sequences in lines 6-8 *and* lines 12-14 of page 25 of the specification were not included in the Sequence Listing and that the January 1, 2004 Amendment only provided SEQ ID NOS. for the sequences in lines 6-8 of page 25; and (b) that the amino acid sequence in line 36 of page 20 must also be included.

In response to all of the concerns set forth in the Decision, enclosed herewith are the following:

(1) a complete copy of the October 3, 2003 filing, which in turn includes:

(a) a copy of the date-stamped post card that demonstrates that the U.S. Patent Office received the filing on October 3, 2003;

(b) a copy of the Sequence Listing diskette received on October 3, 2003;

(c) a copy of the Verification Statement executed by Applicants' representative and received on October 3, 2003;

(d) a copy of the Petition for Revival executed by Applicants' representative and received on October 3, 2003;

(e) a copy of the Response to Notice of Defective Response executed by Applicants' representative and received on October 3, 2003;

(f) a copy of the Preliminary Amendment executed by Applicants' representative and received on October 3, 2003.

(2) A Supplemental Preliminary Amendment and Substitute Sequence Listing to address the concerns set forth in the Decision.

Applicants respectfully submit that all of the requirements for the Notification and in response to the Decision have now been met. Early consideration and prompt allowance of the pending claims are respectfully requested.

Respectfully Submitted,

Laura A. Donnelly

Laura A. Donnelly
Registration No. 38,435

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Dated: June 28, 2004

Enclosures:
Decision on Petition Mailed April 27, 2004
Copy of October 3, 2003 Filing, Including Diskette

27 APR 200

UNITED STATES PATENT AND TRADEMARK OFFICE

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Laura A. Donnelly
Senior Patent Counsel
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New Brunswick, N.J. 08933

RECEIVED
APR 30 2004
J&J PAT. DKT. SECTION

In re Application of	:	
Stefan Leo Jozef MASURE et al.	:	
Application No.: 09/869,079	:	
PCT Application No.: PCT/GB99/04311	:	DECISION ON
International Filing Date: 17 December 1999	:	
Priority Date: 22 December 1998	:	PETITION
Attorney Docket No.: JAB-1458	:	
For: HUMAN AKT-3	:	UNDER 37 CFR 1.137(b)

Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office (USPTO) on 05 January 2004 is **DISMISSED**.

BACKGROUND

On 05 December 2001, the USPTO, in the capacity as Designated/Elected Office, mailed out a DO/EO/905 Form ("Notification of Missing Requirements Under 35 U.S.C. 371") for this application. The DO/EO/905 Form stated that the biochemical "Sequence Listing" did not comply with the requirements of 37 CFR 1.822 and/or 1.832. The Form further stated that applicants were required to provide a substitute paper copy of the "Sequence Listing" and an amendment directing its entry into the specification.

On 15 April 2002, Applicant timely (with a three-month extension of time) filed a Response to the DO/EO/905 Form. The Response included a substitute "Sequence Listing" in paper and computer-readable form and an amendment directing entry of the substitute paper "Sequence Listing" into the specification.

On 11 June 2002, the USPTO mailed out a DO/EO/903 Form ("Notice of Acceptance of Application under 35 U.S.C. 371"). However, on 05 December 2002, the USPTO mailed out a communication stating that the DO/EO/903 Form was sent in error and had been withdrawn. The communication was accompanied by a DO/EO/916 Form ("Notification of Defective Response"). The DO/EO/916 Form stated a problem with the "Sequence Listing" and further stated that applicant must provide a substitute copy of the sequence listing and an amendment directing its entry into the specification. The Form set a non-extendable one month period for reply. Therefore applicant was required to send a proper reply that was received by 05 January 2003 in

order to prevent the application from being abandoned.

On 04 December 2003, the USPTO mailed out a DO/EO/909 Form ("Notice of Abandonment"). The DO/EO/909 Form stated that the application is abandoned as to the United States of America because applicant failed to respond to the 05 December 2002 Notification of Defective Response.

On 05 January 2004, the USPTO received a faxed communication from applicant. The unsigned cover page of the faxed communication states that the papers the follow are copies of papers that were deposited with the U.S. Post Office on September 30, 2003. The cover page further states that a copy of a date stamped postcard, dated October 3, 2003, accompanies the papers. In addition, the cover page states, "Not included is a computer copy of the Sequence Listing for obvious reasons." The papers that follow the cover page include, *inter alia*, the petition to revive and a "Response to the Notice of Defective Response" that includes an amendment and a substitute paper copy of the "Sequence Listing." A copy of a postcard receipt inventorying these items is included. However, the copy of the postcard receipt does not bear an official USPTO date stamp.

DISCUSSION

The petition under 37 CFR 1.137(b) faxed to the USPTO on 05 January 2004 will be treated as having been filed for the first time on that date. It will not be treated as having first been filed on 03 October 2003. The cover page of the faxed communication, which appears to request relief under 37 CFR 1.181for an earlier filing date based upon postcard evidence, is not signed by a registered practitioner, and threfore that paper cannto be treated on the merits. *See* 37 CFR 1.33. In addition, it is noted that the copy of the postcard receipt that is included in the faxed transmission does not bear an official USPTO date stamp. Therefore, it cannot serve as *prima facie* evidence of the date of original submission of the papers. *See* MPEP § 503.

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proper reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to 08 June 1995). A proper reply in this case requires a reply that is fully responsive to the 05 December 2002 Notification of Defective Response.

Applicant has met the first and fourth requirements of 37 CFR 1.137(b). Applicant has stated, "The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." A terminal disclaimer is not required because the application was filed on or after 08 June 1995.

With respect to the petition fee, the petition to revive includes an authorization to deduct $110.00 dollars from the deposit account of Applicant's representative. This amount is not sufficient. The petition fee set forth in 37 CFR 1.17(m) for an entity that does not or cannot claim small entity status is $1,330.00. However, the petition also includes authorization to deduct the deposit account for any additional fee. Therefore, the deposit account has been charged an additional $1220.00. Accordingly, the applicant has met the third requirement of 37 CFR 1.137(b).

However, the petition cannot be granted because applicant fails to meet the second requirement of 37 CFR 1.137(b). The first reason why the reply is deficient is that it does not include a computer-readable copy of the latest substitute Sequence Listing. 37 CFR 1.825(b) states, "Any amendment to the paper copy of the "Sequence Listing," in accordance with paragraph (a) of this section, must be accompanied by a substitute copy of the computer readable form (§ 1.821(e)) . . . ." The cover page of the faxed communication explicitly states that a computer-readable copy is not being submitted "for obvious reasons." There is no record that a computer-readable copy was submitted on 03 October 2003 and Applicant has not presented *prima facie* evidence that a copy was filed on that date. Even if such evidence was submitted, a replacement computer-readable copy is still required for processing purposes.

The reply is further deficient because it does not address all of the problems identified on the 05 December 2002 Notification of Defective Response and the attachments that were sent along with the Notification. In particular the Comment Sheet from Technology Center 1600 that was attached to the Notification indicates that there are nucleotide sequences in lines 6-8 *and* lines 12-14 on page 25 of the specification that are not included in the Sequence Listing. The amendment submitted on 05 January 2004 includes a replacement paragraph for the paragraph that begins on line 2 of page 25. This replacement paragraph provides "SEQ ID Nos." for the sequences that are in lines 6-8 of page 25 (lines 4-6 of the replacement paragraph, where the paragraph heading is line 1), but does not provide "SEQ ID Nos." for the two sequences that are listed in lines 12-14 of page 25 (lines 8-10 of the replacement paragraph). The "Remarks" section of the amendment does not provide a reason why these two sequences are not added to the Sequence Listing. Because both of these sequences are longer than ten nucleotides, applicant must include them in the Sequence Listing. *See* 37 CFR 1.821(a) & 1.821(c). Similarly, applicant must also include in the Sequence Listing the amino acid sequence in line 36 on page 20 of the current specification. This sequence is also listed on the aforementioned Comment Sheet. The replacement paragraph in the 05 January 2004 amendment for the paragraph beginning on line 16 of page 19 does not provide a "SEQ ID No." for this sequence.

CONCLUSION

The petition under 37 CFR 1.137(b) to revive the application abandoned as to the National Stage in the United States of America is **DISMISSED**.

Applicant may file a request for reconsideration of this decision within a time period of **TWO (2) MONTHS** from the mailing date of this decision. *See* 37 C.F.R. 1.137(e). Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.137(b)." No additional petition fee is required for reconsideration. This time period may be extended under 37 C.F.R. 1.136(a). A request for reconsideration should be mailed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 223130-1450

The contents of the letter should be marked to the attention of the Office of PCT Legal administration.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Ankur Parekh
Detailee
PCT Legal Administration

Telephone: (703) 308-1315
Facsimile: (703) 308-6459

Serial No. 09/869,079 Docket No. JAB-1458 By: LAD

Application of: Masure et al. Mailed: Sept. 30, 2003

Entitled: Human AKT-3

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

- ☐ Oath or Declaration
- ☐ Assignment
- ☒ Charge to Deposit Account 10-0750
- ☐ Amendment
- ☐ Extension of Time
- ☐ Issue Fee Transmittal
- ☐ PCT Filing _____
- ☐ IDS-Form 1449
- ☐ Drawings ____ sheets

- ☐ MPEP 609/_____
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Priority Document
- ☐ Status Inquiry
- ☒ Sequence Listings/Diskette + verified statement
- ☐ Biological Deposit Declaration
- ☒ Other Petition for Revival of an Application, Response to Notice of Defective Response + Prelim. Amendment

DOCKET NO.: JAB-1458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Masure et al.	Art Unit:	Unknown
Serial No.:	09/869,079	Examiner:	Unknown
Filed:	I.A. 12/17/99		
For:	HUMAN AKT-3		

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 30, 2003

(Date of Deposit)

Laura A. Donnelly

Name of applicant, assignee, or Registered Representative

Laura A. Donnelly

(Signature)

September 30, 2003

(Date of Signature)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

NOTE: A grantable petition requires the following items:

(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
   - ☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
   - ☒ Other than small entity-fee $ 110.00 (37 CFR 1.17(m))

2. Reply and/or fee
   - A. The reply and/or fee to the above-noted Office action in the form of Response to Notice of Defective Response and Preliminary Amendment, including sequence listing ~~(identify type of reply)~~:
     - ☐ has been filed previously on _____.
     - ☒ is enclosed herewith.
   - B. The issue fee of $_____.
     - ☐ has been paid previously on _____.
     - ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee
   - ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
   - ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____ for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

5. Fee payment:
   - ☒ Charge the petition fee of $110.00 to Account 10-0750/JAB-1458/LAD and for any additional fee required. A duplicate of this petition is attached.
   - ☐ A check in the sum of $_____ is attached.
   - ☒ Charge Account 10-0750/JAB-1458/LAD for any additional fee required.

Laura A. Donnelly

Laura A. Donnelly
Reg. No.: 38,435
Attorney for Applicant(s)

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel. No.: (732) 524-1729

Date: September 30, 2003

Enclosures:

- ☒ Fee Payment
- ☐ Terminal Disclaimer Form
- ☒ Reply
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Preliminary Amendment and Sequence Listing

Docket No. JAB-1458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	MASURE et al.
Serial No.	:	09/869,079
Filed	:	I.A. 12/17/99
Title	:	HUMAN AKT-3
Art Unit	:	Unassigned
Examiner	:	Unassigned

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September 30, 2003
(Date of Deposit)

Laura A. Donnelly
(Name of applicant, assignee, or Registered Representative)

Laura A. Donnelly
(Signature)

September 30, 2003
(Date of Signature)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE AND PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

Amendments to the Specification

Please replace the paragraph beginning at page 3, line 20, with the following amended paragraph:

Figure 1 is an alignment of the deduced amino acid sequences for human Akt-1, Akt-2 and Akt-3 (SEQ ID No. 3). The sequences were aligned using the ClustalW alignment program (EMBL, Heidelberg, Germany). Amino acid residues conserved between all three proteins are included in the black areas. Residues conserved between only two of the sequences are shaded in grey. Amino acid residues are numbered in the right hand column. The conserved Thr and Ser residues that are presumed to be phosphorylated upon activation are marked with an asterisk above the sequence.

Please replace the paragraph beginning at page 19, line 16, with the following amended paragraph:

Molecular cloning of human Akt-3.

Using the rat RAC-Pkγ sequence (Konishi et al, 1995; GenBank acc. No. D49836) as a query sequence, a BLAST (Basic Local Alignment Search Tool; Altschul et al., 1990) search was carried out in the WashU Merck expressed sequence tag (EST) database (Lennon et al., 1996) and in the proprietary LifeSeq™ human EST database (Incyte Pharmaceuticals Inc, Palo Alto, CA, USA). Several human EST clones with high similarity to the rat RAC-Pkγ were identified. One EST sequence (Incyte accession number 2573448) derived from a hippocampal cDNA library, contained part of the coding sequence including the putative methionine start codon (ATG) and part of the 5' untranslated region. The start codon was surrounded by a Kozak consensus sequence for translation start and an in-frame stop codon was present at positions –6 to –3. Based on this 239 bp sequence, oligonucleotide sense primers were synthesised for 3' rapid amplification of cDNA ends (3' RACE) experiments: Akt-3sp1 = 5'-ACC ATT TCT CCA AGT TGG GGG CTC AG-3' (SEQ ID No: 4) and Akt-3sp2 = 5'GGG AGT CAT CAT GAG CGA TGT TAC C-3' (SEQ ID No: 5). 3'RACE experiments were performed on human fetal brain or human cerebellum Marathon-Ready™ cDNA (Clontech Laboratories, Palo Alto, CA, USA) according to ~~manufacturer=s~~ manufacturers instructions using Akt-3sp1/race-ap1 as primers in the primary PCR and Akt-3sp2/race-ap2 in the nested PCR. Resulting PCR

fragments were cloned and sequenced. This extended the Akt-3 coding sequence by 916 bp, but the novel sequence did not include an in-frame stop codon. A second round of 3' RACE amplification was performed on human brain Marathon-Ready™ cDNA using sense primers based on the sequence obtained in the first round (Akt-3sp3 = 5'CAC TCC AGA ATA TCT GGC ACC AGA GG-3' (SEQ ID No: 6) and Akt-3sp4 = 5' CTA TGG CCG AGC AGT AGA CTG GTG G-3' (SEQ ID No. 7)) in combination with race-ap1 and race-ap2, respectively. The sequence obtained included an in-frame stop codon and the 3' untranslated sequence up to the poly(A) tail. Antisense primers were designed based on the 3' untranslated region (Akt-3ap4 = 5'-TGC CCC TGC TAT GTG TAA GAG CTA GG-3' (SEQ ID No: 8)) and Akt-3ap5 = 5' AAG AGC TAG GAC TGG TGA TGT CCA GG-3' (SEQ ID No: 9)) and the complete Akt-3 coding sequence was amplified from human hippocampal cDNA using Akt-3sp1/Akt-3ap4 (primary PCR) and Akt-3sp2/Akt-3ap5 (nested PCR) as primers. The resulting 1200 bp PCR fragment was then cloned in the TA-cloning vector pCR2.1 (original TA cloning kit, Invitrogen BV, Leek, The Netherlands) and the inserts of several clones were completely sequenced. One clone containing an insert with the confirmed sequence (hAkt-3/pCR2.1) was used for subsequent subcloning to the mammalian expression vector pcDNA-3 (Invitrogen), yielding construct hAkt-3/pcDNA-3. In order to make a construct coding for a COOH-terminal tagged Akt-3 protein, a fragment of 553 bp was amplified from plasmid Akt-3/pcDNA-3 using an antisense primer incorporating a *Xho*I restriction site and the sequence coding for a hemagglutinin (HA) tag (YPYDVPDYA) after amino acid 479 of the Akt-3 sequence. This fragment was recloned into plasmid hAkt-3/pcDNA-3 using *Bst*EII and *Xho*I restriction sites yielding construct HA-hAkt-3/pcDNA-3.

Please replace the paragraph beginning at page 25, line 2, with the following amended paragraph:

Reverse transcription (RT)-PCR analysis

Oligonucleotide primers were designed for the specific PCR amplification of a fragment from Akt-3. These primers were Akt-3sp2 = 5' –GGG AGT CAT CAT GAG CGA TGT TAC C-3' (SEQ ID No: 10) (sense primer) and Akt-3ap1 = 5' – GGG TTG TAG AGG CAT CCA TCT CTT CC – 3' (SEQ ID No: 11) (antisense primer), yielding a 425 bp product. PCR amplifications for human glyceraldehyde-3-phosphate dehydrogenase (G3PDH) were performed

on the same cDNA samples as positive controls using G3PDH primers 5' – TGA AGG TCG GAG TCA ACG GAT TTG GT-3' (sense primer) and 5' –CAT GTG GGC CAT GAG GTC CAC CAC-3' (antisense primer), yielding a 1000 bp fragment. These primers were used for PCR amplifications on Multiple Tissue cDNA panels (Clontech Laboratories) and on cDNA prepared from tumor cell lines. For the preparation of tumor cell cDNA, cells were homogenised and total RNA prepared using the RNeasy Mini kit (Qiagen GmbH, Hilden, Germany) according to manufacturer's instructions. 1 Fg of total RNA was reverse transcribed using oligo$(dT)_{15}$ as a primer and 50 U of Expand™ Reverse Transcriptase (Boehringer Mannheim, Mannheim, Germany) according to the manufacturer's instructions. PCR reactions with Akt-3-specific or G3PDH-specific primers were then performed on 1 Fl of cDNA. Images of the ethidium bromide stained gels were obtained using the Eagle Eye II Video system (Stratagene, La Jolla, CA, USA) and PCR bands analysed using the EagleSight software.

Please replace the paragraph beginning at page 27, line 20, with the following amended paragraph:

The predicted Akt-3 (Figure 1) protein shows significant similarity with Akt-1 (Jones et al., 1991; 83.6% identity; 87.8% similarity) and with Akt-2 (Cheng et al., 1992; 78% identity; 84.3% similarity). The COOH-terminal tail=has been observed in both human and rat Akt-1 and Akt-2 proteins, but it is apparently truncated in the only other reported Akt-3 sequence (rat Akt-3, Konishi et al., 1995; accession number D49836). 3'RACE experiments performed on human cDNAs derived from different tissues did not yield evidence for the existence of a shorter form of Akt-3 that would be analogous to the rat Akt-3 (data not shown). The tail in human Akt-3 comprises 28 amino acid residues (YDEDGMDCMDNERRPHFPQFSYSASGRE) (SEQ ID No: 12) that replace 3 amino acid residues in the rat sequence (CPL). The tail in human Akt-3 contains a serine residue at position 472 (shown in bold) that corresponds to Ser^{473} in Akt-1 or Ser^{474} in Akt-2. Phosphorylation of Ser^{473} and Ser^{474} has previously been implicated in the activation of Akt-1 and Akt-2, respectively (Alessi et al., 1996; Meier et al., 1997). Thr^{308} (in the kinase domain) has also been implicated in the activation of Akt-1 and this residue is also conserved in human Akt-3 (Thr^{305}).

Please replace pages 45-51 with pages 45-53 attached hereto.

Amendment to the Drawings

The amendment to the drawings is attached hereto as a replacement sheet for Fig. 1.

REMARKS

In response to the Notification of Defective Response, dated December 5, 2002, enclosed herewith is a computer readable Sequence Listing, a paper copy and the required Verification Statement Under 37 C.F.R. 1.821(f). This response is also accompanied by a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b). As indicated in the Notification, although Applicants originally provided a computer readable Sequence Listing, the copy provided did not comply with 37 C.F.R. §§ 1.821-1.825. Applicants respectfully submit that all of the requirements for the Notification have now been met. Early consideration and prompt allowance of the pending claims are respectfully requested.

Respectfully Submitted,

Laura C. Donnelly

Laura A. Donnelly
Registration No. 38,435

Johnson & Johnson
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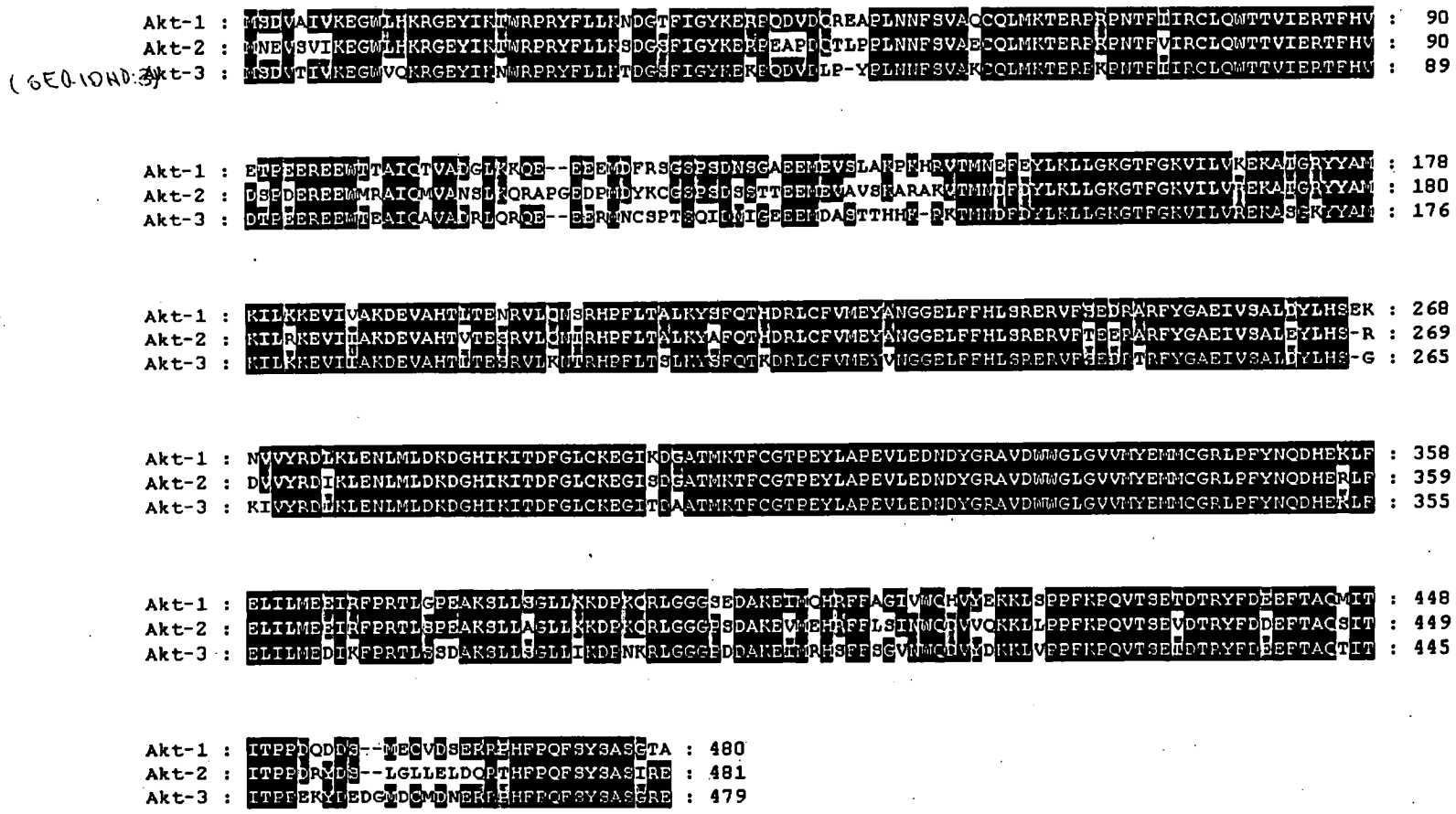
(732) 524-1729 (direct)
(732) 524-2134 (facsimile)

Dated: September 30, 2003

Enclosures:
- Revised Fig. 1
- Computer Readable Sequence Listing
- Paper Copy
- Verification Statement Under 37 C.F.R. 1.821(f)



(SEQ ID NO: 3)

FIGURE 1

DOCKET NO.: JAB-1458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MASURE et al.

For: HUMAN AKT-3

Filed: I.A. 12/17/99

Serial No: 09/869,079

VERIFIED STATEMENT UNDER 37 CFR §1.825

I hereby verify that the computer readable diskette and paper copy enclosed herewith include no new matter, and that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

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Dated: September 30, 2003

SEQUENCE LISTING

<110> Masure, Stefan
Richardson, Alan

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<141> 1999-12-17

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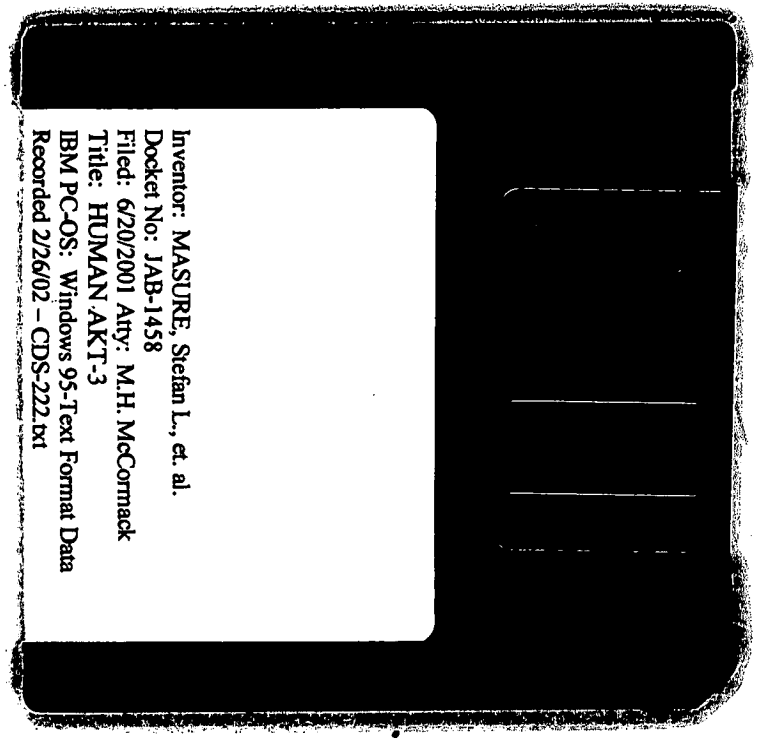

SERIAL NO. 09/869,079 DOCKET NO. JAB-1458 BY MHM/KL

APPLICATION OF MASURE, et. al MAILED: 4/8/2002

ENTITLED HUMAN AKT-3

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- ☒ CHARGE TO DEPOSIT ACCOUNT 10-0750
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